

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**DECLARATION OF INVENTORSHIP AND POWER OF ATTORNEY**

**Title: A METHOD OF PROCESSING BLOOD SAMPLES IN ORDER TO PRODUCE  
DNA/COMPLEX PATTERNS FOR DIAGNOSTIC APPLICATIONS**

**Applicants: GLORIA ELENA LEON PAZ DE RODRIGUEZ AND GIN WU**

**Declaration of Inventorship**

As below named inventors, we hereby declare that our post office address and citizenship are as stated below next to our names, and that we believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention, the specification of which is attached hereto and which has the title:

**A METHOD OF PROCESSING BLOOD SAMPLES  
IN ORDER TO PRODUCE DNA/COMPLEX PATTERNS  
FOR DIAGNOSTIC APPLICATIONS**

We hereby state that we have reviewed and understand the content of the above-identified Specification, including the Claims. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

**Power of Attorney**

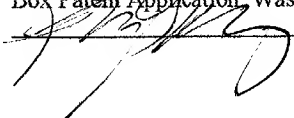
As the named inventors, we hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected herewith:

**Jay P. Hendrickson, Esq.**  
**Reg. No. 37,147**  
**FOLEY & LARDNER**  
**One Maritime Plaza, Sixth Floor**  
**San Francisco, CA 94111**  
**Telephone: (415) 434-4484**  
**Facsimile: (415) 434-4507**

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231



1/17/01

09764783-011701

**Declaration**

We hereby declare that all statements made herein are our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

**INVENTORS:**Signature: *Gloria Elena Loen Paz de Rodriguez*Date: December 22, 2000

NAME: GLORIA ELENA LOEN PAZ DE RODRIGUEZ

ADDRESS: 3972 Claitor Way  
San Jose, CA 95132, U.S.A.

CITIZENSHIP: MEXICO

Signature: *GIN WU*Date: Jan. 5, 2001

NAME: GIN WU

ADDRESS: 3972 Claitor Way  
San Jose, CA 95132, U.S.A.

CITIZENSHIP: U.S.A.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(B))--INDEPENDENT INVENTOR

Applicants: **GLORIA ELENA LEON PAZ DE RODRIGUEZ AND GIN WU**

Application No.: \_\_\_\_\_

Filed: \_\_\_\_\_

Title: **A METHOD OF PROCESSING BLOOD SAMPLES IN ORDER  
TO PRODUCE DNA/COMPLEX PATTERNS FOR DIAGNOSTIC  
APPLICATIONS**

As the below-named inventors, we hereby declare that we qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described:

☒

the specification filed herewith with title as listed above.

☐

the application identified above.

We have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which we have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

☐

No such person, concern, or organization exists.

☒

Each such person, concern or organization is listed below:

OPTOGENETICS, INC.

3972 Claitor Way

San Jose, CA 95132

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. 37 CFR 1.27.

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

09764783-011701

GLORIA ELENA LEON PAZ DE RODRIGUEZ

NAME OF INVENTOR

Gloria Leon Paz

SIGNATURE OF INVENTOR

December 22, 2000

DATE

GIN WU

NAME OF INVENTOR

GIN WU

SIGNATURE OF INVENTOR

Jan. 5, 2001

DATE

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Teresita M. Galama

Date

1/17/01

09764783-011701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

STATEMENT CLAIMING SMALL ENTITY STATUS PURSUANT TO  
37 CFR 1.9(f) & 1.27(c) -- SMALL BUSINESS CONCERN

Applicants: GLORIA ELENA LEON PAZ DE RODRIGUEZ AND GIN WU

Application No.: \_\_\_\_\_

Filed: \_\_\_\_\_

Title: A METHOD OF PROCESSING BLOOD SAMPLES IN ORDER TO  
PRODUCE DNA/COMPLEX PATTERNS FOR DIAGNOSTIC  
APPLICATIONS

I hereby declare that I am

☐

the owner of the small business concern identified below:

☒

an officer of the small business concern empowered to act on behalf of the  
concern identified below:

Name of Concern: OPTOGENETICS, INC.

Address of Concern: 3972 Claitor Way  
San Jose, CA 95132

I hereby declare that the above identified small business concern qualifies as a small  
business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the  
United States Patent and Trademark Office. Questions related to size standards for a small  
business concern may be directed to: Small Business Administration, Size Standards Staff, 409  
Third Street, SW, Washington, D.C. 20416.

I hereby state that rights under contract or law have been conveyed to and remain with  
the small business concern identified above with regard to the invention described in the  
specification filed herewith with title as listed above.

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above and is addressed to: Assistant Commissioner for Patents,  
Box Patent Application, Washington, D.C. 20231.

Teresita M. Galamay

Date

1/17/01

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒

No such person, concern, or organization exists.

☐

Each such person, concern, or organization is listed below:

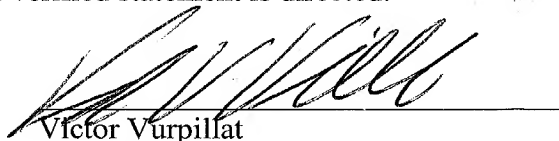
Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge a duty to file, in the above application for patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 1/5/01



Victor Vurpillat  
OptoGenetics, Inc.  
3972 Claitor Way  
San Jose, CA 95132  
U.S.A.